

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DR. SHIVA AYYADURAI, )  
Plaintiff, )  
 )  
v. ) C.A. No. 1:20-11889-MLW  
 )  
WILLIAM FRANCIS GALVIN, )  
MICHELLE K. TASSINARI, )  
DEBRA O'MALLEY, )  
AMY COHEN, )  
NATIONAL ASSOCIATION OF STATE )  
ELECTION DIRECTORS, )  
all in their individual )  
capacities, and )  
WILLIAM FRANCIS GALVIN, in his )  
official capacity as the )  
Secretary of the Commonwealth )  
of Massachusetts, )  
Defendants. )

ORDER

WOLF, D.J.

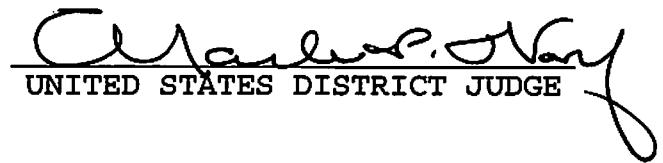
May 19, 2021

On further reflection, at the May 20, 2021 hearing on the pending motions the court may begin by hearing argument concerning whether plaintiff's claims for preliminary and permanent injunctive relief are barred by the Eleventh Amendment, and whether plaintiff has alleged a plausible claim that Twitter, Inc.'s ("Twitter") suspensions of his Twitter account were state action that violated plaintiff's rights under the First Amendment. The court will permit Twitter, as well as the present parties, to address the First Amendment issue.

Twitter may be impacted by the court's resolution of the First Amendment issue even if it is not joined as a party because Twitter

may be subject to any preliminary injunction issued, pursuant to Federal Rule of Civil Procedure 65(d)(2)(C), as a "person who [is] in active concert or participation with" the defendant. In view of this issue, Twitter may wish to consider whether it would prefer to be joined as a party, with the right to participate in proceedings including any appeals, rather than be only a witness if its present opposition to being joined is persuasive. See Fed. R. Civ. P. 19(a)(1)(B)(i).

In any event, it is hereby ORDERED that the May 20, 2021 hearing shall begin at 10:00 a.m. rather than 9:30 a.m., and will continue on May 21, 2021, if necessary.

  
UNITED STATES DISTRICT JUDGE